

# Asbestos Strategies

Lessons Learned About  
Management and Use of Asbestos



**NEW!**  
The Asbestos  
Strategies Report

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## Frequently Asked Questions

### Why was this process undertaken?

Under the Clean Air Act and Toxics Substance Control Act, the U.S. Environmental Protection Agency (EPA) has certain oversight responsibilities over the manufacture, management and use of asbestos as it relates to public health concerns. The U.S. EPA initiated this process – entitled *Asbestos Strategies* – to determine the best use of its resources to address the remaining health risks posed by asbestos. Even though consumer use of asbestos and asbestos-containing products has dropped dramatically over the past 30 years, asbestos is still a major environmental policy issue, as various Federal and state agencies and private sector organizations grapple with continuing public health concerns, such as the legacy of the Libby, Montana vermiculite mine, possible asbestos risks from the World Trade Center collapse and other related issues.

### What were the objectives of the *Asbestos Strategies* process?

This process was designed to take stock of the recent experience with potential solutions and options regarding the use and management of asbestos. The objectives were to:

- Offer recommendations and options on effective asbestos oversight, outreach and education approaches; and,
- Provide an opportunity for key stakeholders to share their knowledge on barriers, incentives, lessons learned, and best practices as they relate to asbestos use and management.

The report does not provide a comprehensive review of the science and does not focus on blame for past asbestos exposures.

### How did this process work?

The *Asbestos Strategies* process was conducted by the not-for-profit Global Environment & Technology Foundation (GETF) who engaged more than 100 technical and policy experts and other key stakeholders from government, academia and the private sector with knowledge and interest in the use and management of asbestos. GETF engaged the stakeholders through a variety of means, including interviews and focus groups and developed a report of recommendations and options. From the outset, this process was inclusive and transparent to encourage input from all stakeholders. These discussions focused on innovative approaches, technologies, best management practices and lessons learned that could improve the oversight, outreach and education on the use and management of asbestos. The goal of the meetings and interviews was to understand views and identify priorities, not to reach consensus on all issues or to evaluate asbestos issues exhaustively. All the stakeholders did not have to agree with every recommendation. On more contentious areas, the GETF team sought to identify the common ground as well as the differing views among the various sectors and groups.

## **What were the major categories of issues discussed by participants?**

The stakeholders identified seven major categories for discussion: asbestos in buildings; asbestos in products; naturally occurring asbestos as a product contaminant; regulations and enforcement; medical/health issues; risk assessment and analysis; and, analytical issues.

## **What does the *Asbestos Strategies* report address?**

The report identifies twenty-one key actions that the public and private sectors can take to reduce the risk from asbestos in the future. These actions focus on oversight, outreach and education issues. The report offers a look at the current asbestos situation, a review of recent research and the views of numerous stakeholders with significant asbestos experience on actions that may offer benefits today. The report also identifies significant concerns and uncertainties regarding asbestos use and management – many of which can be addressed through the provision of accurate information and outreach. The report does not provide a comprehensive review of the science and does not focus on blame for past asbestos exposures.

## **What are some examples of the key recommendations proposed by the report?**

Examples of key recommendations from the report include:

- Updating guidance to building owners, contractors, and the public concerning asbestos in buildings;
- Integrating compliance and enforcement of regulations concerning asbestos in buildings;
- Increasing consumer awareness about asbestos-containing products;
- Developing a national mesothelioma registry;
- Refining the definition of asbestos to address other asbestos-like minerals that pose similar hazards;
- Debating and possibly enacting a federal legislative ban on asbestos;
- Updating and enforcement of training requirements for contractors; and,
- Developing processes to reduce the contamination of mineral products with asbestos

To download a PDF copy of the report, click here <http://www.getf.org/asbestosstrategies/report.cfm>

## **What kinds of action are expected to come out of the report?**

It is expected that where an action is recommended, the relevant government agencies or organization will seek to implement it or investigate it further, if necessary.

## **Who participated in the process?**

GETF identified a wide range of stakeholders involved with asbestos issues, focusing on agencies or groups involved with oversight, outreach, and education. These groups included experts from the academic and medical community; companies that currently produce, import, or use asbestos-containing products; companies that have transitioned to alternatives to asbestos; stakeholders involved in the management of asbestos; labor unions and impacted sectors; Federal, state and local government and other people and organizations recommended to GETF or expressing an interest in participating in the process. Throughout the process, GETF continued to contact additional

stakeholders. Some groups and sectors chose to participate to a greater extent than others.

### **How are the major recommendations organized?**

For each major category, a brief background summary is provided and significant issues are identified. Where additional research is needed to further define or address an issue, it is noted. (A compilation of research needs is contained in Appendix C of the report.) Specific recommendations for actions are provided for many of the issues identified. These recommendations are consistent with views expressed across a wide range of sectors. The recommendations focus primarily on the value of reliable information, consistently delivered, and generally do not attempt to resolve technical issues where there is disagreement.

### **How are the report's leading recommendations organized?**

The recommendations are not ranked and are intended to be implemented concurrently, if possible. They are divided into short term recommendations, which may be implemented rapidly, and longer term recommendations, which may require additional time and resources to implement.

### **How did you select the leading recommendations?**

The leading recommendations were selected by GETF based upon a number of considerations, including widespread stakeholder support, implementability, a high probability of leading to beneficial outcomes, and a potential to reduce future uncertainties about asbestos exposure.

### **Did stakeholders suggest voluntary measures as part of the solution?**

Yes. Voluntary measures by industry and other stakeholder groups were cited by the report as necessary to reduce further public exposure to asbestos. As a result, some industry groups are moving forward on voluntary initiatives. For example, the report recommended that EPA, other Federal agencies, and the mining industry develop a sampling and analytical protocol to avoid the contamination of mineral products with asbestos. This program would provide a degree of assurance to users of these raw materials that they are not contaminated with asbestos. As a result of this process, the vermiculite industry has agreed to voluntarily pursue a product stewardship approach. The Vermiculite Association will have more information available shortly regarding this approach.

### **Why was a ban on asbestos included as one of the leading recommendations?**

A clearly defined legislative ban on the production, manufacture, distribution and importation of products with commercially-added asbestos was viewed as offering benefits in reducing uncertainties, remaining health risks, and economic costs of future asbestos exposure. In light of the dramatically reduced uses of asbestos and the availability of necessary substitutes and exceptions, these benefits appear to outweigh the costs and justify a fuller review of a ban. The ban had widespread acceptance from participants. Every stakeholder did not support a ban.

### **What are the proposed exceptions to the ban and why should there**

## be exceptions?

National security and other essential uses for which no viable substitutes exist would be exempt. For a small number of specialty applications, there are currently no known effective substitutes for asbestos.

## What are the groups supporting a ban saying?

Proponents of the ban suggested the following:

- A ban on commercially-added asbestos will be the most effective step in reducing the risk of future exposure.
- A ban on asbestos is feasible today due to the dramatic decline of asbestos use in products.
- Many other countries (over 30) have successfully banned asbestos and withstood legal challenges.
- A ban on asbestos will provide assurance to building owners and facility managers that new asbestos-containing materials would no longer be installed. This will reduce the costs of regulatory compliance.
- Even products that pose negligible risk in use may still pose risk in their manufacture, maintenance, and disposal.
- Given the history of the asbestos issue, it is unreasonable to expect the public to trust assurances from the government or the industry that current applications of asbestos are safe.
- It is not logical to expect Congress to act on the asbestos litigation issue, and yet allow asbestos to remain in commerce.

## What are those groups that are opposed to the ban saying?

Opponents of a ban suggested the following:

- The report does not provide detailed justification for a ban, and the process did not conduct an investigation or study of the remaining uses of asbestos.
- It is highly unlikely that any improvement in health and safety would be achieved by a ban of the remaining asbestos uses.
- There is negligible risk from asbestos in roofing compounds. The U.S. Fifth Circuit Court of Appeals ruled that OSHA could not regulate asbestos in roofing compounds since there was no evidence of exposure in application or use.
- Only chrysotile asbestos is used in the U.S., and chrysotile is less hazardous than amphiboles.
- An absolute ban would prohibit some applications for which the benefits outweigh the risks and for which there are no acceptable substitutes.
- The recommendation for a ban was not based on a risk/benefit analysis for each remaining application and its substitutes.

## How does this report link to ongoing efforts in Congress to authorize an asbestos victims' compensation fund?

There is no direct linkage. The volume and scope of litigation claims filed against business for past asbestos exposure have grown dramatically. To date, the number of asbestos liability claims filed in the U.S. is over 600,000. Recent statistics show that 90,000 new asbestos claims were filed in 2001, which was more than triple the amount just two years before. Litigation has cost more than \$54 billion to date and eventually could total over \$200 billion, according to the Rand Institute for Civil Justice.

Some proponents of the ban have noted that eliminating any future environmental

loadings of asbestos would reduce future exposure, numbers of victims and claims and also reduce future economic uncertainty within the business and insurance communities. They have also noted that is not practical to place limits on future litigation while companies continue to knowingly manufacture or sell products that contain asbestos.

### **How does the report deal with the science issues?**

The report briefly addresses scientific issues, noting where there seems to be a consensus on a need for action and where there are major questions remaining to be addressed. It provides recommendations for future research but does not presume to settle the scientific issues.

### **Who is GETF?**

GETF is a Virginia-based 501(c)(3) not-for-profit organization with a proven track record in stakeholder facilitation. The foundation often convenes diverse stakeholder groups to address environment and public health concerns. To learn more about GETF [click here](http://www.getf.org).